

Message

From: Strauss, Linda [Strauss.Linda@epa.gov]
Sent: 3/15/2019 9:23:47 PM
To: Dunn, Alexandra [dunn.alexandra@epa.gov]; Beck, Nancy [Beck.Nancy@epa.gov]; Bertrand, Charlotte [Bertrand.Charlotte@epa.gov]; Baptist, Erik [Baptist.Erik@epa.gov]; Hanley, Mary [Hanley.Mary@epa.gov]; Altieri, Sonia [Altieri.Sonia@epa.gov]; Morris, Jeff [Morris.Jeff@epa.gov]; Henry, Tala [Henry.Tala@epa.gov]; Hartman, Mark [Hartman.Mark@epa.gov]; Pierce, Alison [Pierce.Alison@epa.gov]; Blair, Susanna [Blair.Susanna@epa.gov]; Canavan, Sheila [Canavan.Sheila@epa.gov]; Kramek, Niva [kramek.niva@epa.gov]; Parsons, Doug [Parsons.Douglas@epa.gov]; Scheifele, Hans [Scheifele.Hans@epa.gov]
CC: Dunton, Cheryl [Dunton.Cheryl@epa.gov]
Subject: RE: MC tweets

Tweets

- https://twitter.com/chriscmooney/status/1106626140247126017?ref_src=twsrc%5Egoogle%7Ctwcamp%5Enews%7Ctwtgr%5Etweet
- https://twitter.com/evanmcmurry/status/1106644013577314304?ref_src=twsrc%5Egoogle%7Ctwcamp%5Enews%7Ctwtgr%5Etweet
- https://twitter.com/patrizzuto/status/1106655987434438656?ref_src=twsrc%5Egoogle%7Ctwcamp%5Enews%7Ctwtgr%5Etweet
- https://twitter.com/ruikaneva/status/1106656214413467649?ref_src=twsrc%5Egoogle%7Ctwcamp%5Enews%7Ctwtgr%5Etweet

From: Strauss, Linda
Sent: Friday, March 15, 2019 4:59 PM
To: Dunn, Alexandra <dunn.alexandra@epa.gov>; Beck, Nancy <Beck.Nancy@epa.gov>; Bertrand, Charlotte <Bertrand.Charlotte@epa.gov>; Baptist, Erik <baptist.erik@epa.gov>; Hanley, Mary <Hanley.Mary@epa.gov>; Altieri, Sonia <Altieri.Sonia@epa.gov>; Morris, Jeff <Morris.Jeff@epa.gov>; Henry, Tala <Henry.Tala@epa.gov>; Hartman, Mark <Hartman.Mark@epa.gov>; Pierce, Alison <Pierce.Alison@epa.gov>; Blair, Susanna <Blair.Susanna@epa.gov>; Canavan, Sheila <Canavan.Sheila@epa.gov>; Kramek, Niva <kramek.niva@epa.gov>; Parsons, Doug <Parsons.Douglas@epa.gov>; Scheifele, Hans <Scheifele.Hans@epa.gov>
Cc: Dunton, Cheryl <Dunton.Cheryl@epa.gov>
Subject: MC clips

Safer Chemicals Blog: <https://saferchemicals.org/2019/03/15/epa-paint-stripper-rule-will-leave-workers-lives-at-risk/>
EDF Blog: <http://blogs.edf.org/health/2019/03/15/long-delayed-methylene-chloride-ban-finalized-but-still-leaves-workers-at-risk/>

From: Dunton, Cheryl
Sent: Friday, March 15, 2019 4:47 PM
To: Strauss, Linda <Strauss.Linda@epa.gov>
Subject: MC clips

Methylene Chloride Rule

- [ABC News: EPA bans public sale of paint stripper connected to accidental deaths](#)
- [Bloomberg Environment: EPA Bans Consumer, But not Worker, Uses of Deadly Solvent](#)
- [E&E News: EPA bans consumer sales of toxic paint stripper](#)
- [New York Times: EPA Plans Limits on a Deadly Chemical in Paint Strippers](#)
- [San Francisco Chronicle: EPA bans consumer sales of paint stripper linked to deaths](#)

- The Washington Post: EPA bans deadly chemical used in paint strippers—but provides a loophole for commercial operators

<https://saferchemicals.org/2019/03/15/epa-paint-stripper-rule-will-leave-workers-lives-at-risk/>

METHYLENE CHLORIDE RULE

ABC News

EPA bans public sale of paint stripper connected to accidental deaths

<https://abcnews.go.com/Politics/epa-bans-public-sale-paint-stripper-connected-accidental/story?id=61715315>

Stephanie Ebbs

Friday, March 15, 2019

The Environmental Protection Agency will ban consumer sales of paint strippers that contain an ingredient that has caused dozens of accidental deaths.

Families of people who have died after inhaling paint strippers that contain methylene chloride and chemical safety advocates have called for the products to be banned because of the risks.

While the rule announced today responds to some of advocates' concerns, it's a step back from a full ban proposed under the Obama administration. The EPA will ban the products from being sold to the public in stores or online but will still allow contractors and other professionals to use it. Critics say that still puts workers at risk of inhaling a dangerous amount of fumes if they're working in an unventilated area.

"This rule answers calls from many affected families to effectively remove these products from retail shelves and retail distribution channels, providing protection for the American public," EPA Assistant Administrator for Chemical Safety Alexandra Dunn said in a statement.

The CDC has described the chemical called methylene chloride as a "highly volatile, colorless, toxic" and said that it is "unlikely" that it can be used safely. A study of deaths from the chemical fumes inhaled while workers were stripping bathtubs found that exposure to the chemical can become toxic after just one hour of using it and the EPA says that the fumes can hurt the nervous system and that long-term exposure has been linked to cancer.

Critics say the rule still doesn't go far enough because it still allows products with methylene chloride to be used by contractors and other professionals. EPA is working on rules that could establish more training requirements and limited access to the products for professionals.

A group that has been campaigning to ban the chemical called Safer Chemicals, Healthy Families, said at least 64 people have died from exposure to methylene chloride since 1980, including workers who were using the products to refinish bathtubs.

The EPA first documented the risks from methylene chloride use in 2014 and proposed in January 2017 that the agency ban the chemical in products intended to remove paint. But later in 2017 the agency reversed course and delayed the rule, leading to criticism from advocacy groups, members of Congress, and families whose loved ones died after inhaling the chemical's fumes.

Several retailers like Lowe's and Home Depot have already pulled the products in response to public petitions. Several retailers like Lowe's and Home Depot have already pulled the products in response to public petitions.

EPA first said it would move forward on a ban last May.

Bloomberg Environment

EPA Bans Consumer, But not Worker, Uses of Deadly Solvent

<https://news.bloombergenvironment.com/environment-and-energy/epa-bans-consumer-but-not-worker-uses-of-deadly-solvent>

Pat Rizzuto

Friday, March 15, 2019

- EPA bans potentially deadly solvent from paint, coating strippers consumers buy
- Worker protections may take years
- Paint and coating strippers that consumers buy will no longer be permitted to contain a potentially lethal solvent, the EPA's top chemicals official said March 15.

The Environmental Protection Agency is adopting a rule to "prohibit the manufacture, including import, processing, and distribution of methylene chloride in all paint removers for consumer use," said Alexandra Dapolito Dunn, assistant administrator for chemical safety and pollution prevention.

The EPA's action would most directly affect companies such as Recochem Inc., Sprayway, Inc., and W.M. Barr & Company, Inc. that have made strippers containing methylene chloride. The rule would help spur demand for related products that don't contain it, and some of those manufacturers also make paint strippers without methylene chloride.

The rule will be effective 180 days after a date that will be included in the Federal Register notice of the regulation, which should be published next week, Dunn said.

Workers Ignored

The rule doesn't address workers' exposures.

Workers in enclosed, unventilated spaces face steep risks: More than a dozen bathtub refinishers have died from exposure to the solvent. Information about risks has prompted more than 13 major retailers to remove the strippers from store shelves.

Methylene chloride has killed more than 50 people since 1980, the Labor Council for Latin American Advancement says, citing information from the EPA and the deaths of four people since the agency proposed a ban in January 2017.

"The Trump EPA is trying to keep commercial uses in place, leaving workers at unacceptable risk," said Rep. Frank Pallone (D-N.J.), chairman of the House Energy and Commerce Committee, during a March 13 subcommittee hearing on workers and chemicals.

"I urge Administrator [Andrew] Wheeler to change course now and extend this ban to commercial usage," Sen. Tom Carper (Del.), the top Democrat on the Environment and Public Works Committee, said in a statement.

“With each and every use, this chemical will continue to endanger workers’ health,” he said.

EPA Raised Concerns 28 Years Ago

The EPA’s concerns about ways methylene chloride might injure workers prompted it—28 years ago—to host an international conference on “reducing risk in paint stripping.”

That conference focused on concerns about and possible substitutes for stripping coatings on cars, planes, furniture, and other products with methylene chloride.

Since then, the EPA has recognized that short-term, high exposures to methylene chloride, often identified on business forms as CAS No. 75-09-2, can cause dizziness, incapacitation, and even death. Longer, lower-level chronic exposures may harm the liver and cause cancer.

Two Actions

The EPA announced two actions addressing methylene chloride on March 15.

First, it banned methylene chloride in consumer paint strippers.

The rule is the first regulation banning some uses of a chemical that the agency has issued since 1991 when the U.S. Court of Appeals for the Fifth Circuit in *Corrosion Proof Fittings v. EPA* overturned the agency’s 1989 rulemaking that would have banned multiple uses of asbestos.

Second, the EPA “will begin a process to gather public input for a future rulemaking that could establish training and limited access programs for methylene chloride for commercial uses,” Dunn said.

The public’s ideas will be gathered through a soon-to-be-released “prerule.” However, it may take several years before a proposed and final regulation are published should the agency decide to proceed with regulatory controls.

The EPA expressly rejected the option of a training and certification program for workers when it originally proposed a rule banning many paint stripping products from containing methylene chloride, the watchdog group Safer Chemicals Healthy Families said in a statement.

At that time, 2017, the agency also raised concerns about whether such a training program would be feasible and adequately protective, the organization said.

New Products, Commercial Market

In addition to the EPA’s action, California’s regulation, which requires paint stripper manufacturers selling products containing methylene chloride to examine alternatives, may stimulate demand for new products, including ones that would serve the commercial market.

Unlike the EPA’s rule, California’s Safer Consumer Product regulation does not distinguish between paint strippers used by consumers, professionals, or industrial workers, said Karl Palmer, acting deputy director of the safer products and workplaces in California’s Department of Toxic Substances Control.

The rule shifts the burden to the manufacturer to develop a safe way to use its products, Palmer said. That safe way could involve switching to other solvents, using a mechanical process like sand or sandpaper to remove the paint, or requiring training for workers when only methylene chloride-containing strippers will achieve a needed function, he said.

"It's incumbent on the manufacturer to outline what the uses would be and how they would assure safety," Palmer said.

Lawsuit May Proceed

The lack of worker protections in the EPA's final rule means the Labor Council for Latin American Advancement and the Natural Resources Defense Council may be able to proceed with a lawsuit they filed Feb. 19, Daniel Rosenberg, an NRDC senior attorney, told Bloomberg Environment March 15.

The groups must also complete their review of the regulations, he said.

The lawsuit, filed in U.S. District Court for the Southern District of New York, maintains the EPA has violated its obligations to protect people against an unreasonable risk of injury by failing to already have banned methylene chloride.

Broader Ban Proposed

The EPA's proposal of a broader ban of methylene chloride in the waning days of the Obama administration was shelved until late 2018, when the agency submitted its final rule and advanced notice of proposed rulemaking to a White House office that must clear regulations before finalization.

While the EPA delayed, consumer advocates pressured major retailers.

As of Feb. 28, 13 retailers including Lowe's, Amazon, and Home Depot had already agreed to take strippers with methylene chloride and another solvent, n-methyl-2-pyrrolidone, off their inventories.

—With assistance from Sylvia Carignan.

(Updated with additional reporting throughout.)

E&E News

EPA bans consumer sales of toxic paint stripper

<https://www.eenews.net/eenewspm/stories/1060127467/search?keyword=epa>

Courtney Columbus

Friday, March 15, 2019

EPA today issued a final rule banning consumer sales of paint strippers that contain methylene chloride. The agency cited "acute fatalities" as the reason for the ban.

"After analyzing the health impacts and listening to affected families, EPA is taking action to stop the use of this chemical in paint removers intended for consumers," EPA Administrator Andrew Wheeler said in a statement.

"Today's decision reflects EPA's commitment to ensure that chemicals in the retail marketplace are safe for the American public."

The rule does not ban the use of methylene chloride in commercial settings.

Sen. Tom Carper (D-Del.), ranking member on the Senate Environment and Public Works Committee, criticized the move and called for Wheeler to also ban commercial use of the chemical.

"While a ban on consumer uses of paint strippers containing methylene chloride is a step in the right direction, it falls far short of what former Administrator Pruitt announced almost a year ago, and of what my office was assured in writing would be a ban that protected both consumer users and workers from this deadly chemical," he said in a statement.

Environmental groups say the agency's action is a step forward but still leaves workers at risk.

"Nobody should be fooled. In issuing this weaker rule, knowing the dangers of these toxins, EPA is consciously allowing for more injuries and deaths among workers and consumers," Daniel Rosenberg, senior attorney with the Natural Resources Defense Council's Healthy People and Thriving Communities program, said in a statement.

"The agency is writing loopholes into its own standards for the benefit of the chemical industry," said Rosenberg.

More than 50 deaths have been linked to methylene chloride, and several groups have sued EPA for failing to ban it. The chemical can cause death if it is being used in an area that isn't properly ventilated (E&E News PM, Feb. 19).

Many major retailers, including Lowe's Cos. Inc., have voluntarily committed to taking paint strippers that contain methylene chloride off their shelves (Greenwire, Jan. 25).

The ban will start 180 days after the effective date of the final rule, EPA said in a news release.

EPA is also seeking public input for a "future rulemaking that could establish a training, certification, and limited access program for methylene chloride for commercial uses," the news release noted.

In a statement, the American Chemistry Council said it supports the actions EPA is taking.

"We also support EPA's request for public comment and information for a future rulemaking that could establish a federally-enforceable training, certification and limited access program for methylene chloride for commercial uses," ACC spokesman Jon Corley said.

New York Times

EPA Plans Limits on a Deadly Chemical in Paint Strippers

<https://www.nytimes.com/2019/03/15/climate/epa-paint-stripper-methylene-chloride.html>

Lisa Friedman

Friday, March 15, 2019

WASHINGTON — The Environmental Protection Agency plans to announce on Friday new limits on a lethal chemical found in paint stripping products that has been linked to more than 50 deaths since the 1980s.

Chemical safety activists called the plan a significant scaling-back of the full ban that the Obama administration had proposed. In 2017 the Obama administration concluded the chemical represented an "unreasonable risk" and moved to ban it from commercial as well as consumer use.

The E.P.A. rule is expected to prohibit the consumer use of products containing methylene chloride, but not ban it for commercial use. It would separately propose a training and certification program for workers who use the chemical commercially.

The families of three men who died from exposure after working with paint strippers containing methylene chloride met in early 2018 with Scott Pruitt, then the administrator of the E.P.A. Among them was Bryan Wynne, the brother of Drew Wynne, who died after stripping paint from the floor of his coffee company in Charleston, S.C.

Shortly after that meeting, the agency vowed to take action.

Lindsay McCormick, who manages the chemicals and health program at the Environmental Defense Fund, an environmental group, said that, while the chemical is a threat to people who use paint thinners in their homes, the majority of deaths associated with methylene chloride have been work-related.

She called the E.P.A. decision "a step in the right direction," while adding, "I don't want to lose sight of the fact that this is only addressing a portion of the population, and we really need to protect all Americans."

A spokeswoman for the Halogenated Solvents Industry Alliance, an industry group, declined to comment until the proposed rule was formally published.

The E.P.A. move comes after two groups representing workers and environmental groups sued the E.P.A., accusing it of unreasonably delaying the ban. In May, Lowe's, the home improvement retailer, announced that it would voluntarily remove from its shelves paint stripping products that contained the chemical.

San Francisco Chronicle

EPA bans consumer sales of paint stripper linked to deaths

<https://www.sfchronicle.com/news/medical/article/EPA-bans-consumer-sales-of-paint-stripper-linked-13691919.php>

Ellen Knickmeyer

Friday, March 15, 2019

WASHINGTON (AP) — The Environmental Protection Agency is banning consumer sales of a paint stripper after personal appeals by families of men who died while using the product.

The final rule announced Friday bars the manufacture and import of consumer products containing methylene chloride. The products have been popular with do-it-yourselfers.

The U.S. Centers for Disease Control and Prevention calls the product "extremely hazardous." The EPA is urging consumers not to use it.

The consumer bans begins 180 days after the rule is published. The EPA says it expects retailers to implement it sooner.

The rule doesn't affect commercial uses.

California says it's tracked at least five deaths since 2014 among people overcome by the fumes from methylene chloride.

Families of victims had met with Trump administration officials and lawmakers urging the ban.

The Washington Post

EPA bans deadly chemical used in paint strippers — but provides a loophole for commercial operators

https://www.washingtonpost.com/climate-environment/2019/03/15/epa-bans-deadly-chemical-used-paint-strippers-provides-loophole-commercial-operators/?utm_term=.70ebd9616cf4

Juliet Eilperin and Brady Dennis

Friday, March 15, 2019

The Environmental Protection Agency on Friday restricted the use of a toxic chemical used in paint and coating strippers that has been linked to dozens of accidental deaths. But the agency stopped short of the total ban proposed by the Obama administration and pushed by some health groups, instead allowing commercial operators to keep using the chemical so long as they are trained.

Alexandra Dunn, assistant administrator of EPA's Office of Chemical Safety and Pollution Prevention, said the agency has determined that methylene chloride — a controversial product that major home-improvement retailers, such as Lowe's and Home Depot, already have pulled from their shelves — presents "an unreasonable risk of injury."

"We answered the call from many affected families, to ensure that no other family experiences the death of someone close to them due to this chemical," Dunn told reporters in a conference call.

The agency will solicit comments over the next 60 days on whether to impose new federal training requirements on commercial operators, Dunn said, to determine if it needs to limit access under those circumstances. That move drew immediate fire from public-health advocates and the family members of those who died after being exposed to its fumes.

Wendy Hartley, whose 21 year-old son Kevin died two years ago died while refinishing a bathtub even after being trained in how to apply the paint stripper, said the administration's new rules fall short.

"I am deeply disappointed that the EPA has decided to weaken its proposed ban on methylene chloride," Hartley said in a statement. "Getting this deadly chemical out of consumers' hands is a step in the right direction — a step that was started by retailers nationwide. Workers who use methylene chloride will now be left unprotected and at risk of health issues or death. I will continue my fight until the EPA does its job."

Hartley, who personally appealed last May to then-EPA Administrator Scott Pruitt to ban the chemical, has now joined with the advocacy groups Safer Chemicals Healthy Families and Vermont Public Interest Research Group in suing EPA in the U.S. District Court in Vermont.

The EPA proposed an outright ban on methylene chloride and another lethal solvent, NMP, on Jan. 19, 2017, the day before President Barack Obama left office, saying they posed "unreasonable risks" to human health. Trump administration officials have repeatedly promised to remove methylene chloride from the market, while remaining silent on the fate of NMP.

The regulation EPA finalized Friday reflects a compromise with the Pentagon, which lobbied for a carveout given the military's widespread use of paint strippers on bases across the globe. Under the Obama administration's proposal, the Defense Department received a 10-year exemption on the grounds of national security.

Manufacturers of methylene chloride-based strippers, including the Halogenated Solvents Industry Alliance, have argued that the product was safe as long as those using it had adequate training.

But public outrage over the chemical's potential risks has escalated in recent years, as advocates shared their stories with lawmakers and regulators about family members who died from exposure to methylene chloride. A dozen people who specialized in refinishing bathtubs died between 2000 and 2011, according to a Centers for Disease Control and Prevention report.

Sen. Tom Udall (D-N.M.), who co-authored the chemical safety law that EPA used in order to limit methylene chloride, said the agency had "failed to live up to the letter and spirit" of the bipartisan law.

"EPA's action today is a watered-down protection that apparently values industry profits at the expense of public health and safety—particularly for the hardworking people who will still be risking their lives with exposure to these deadly products," Udall said.

But Dunn said that if the agency decides that the chemical cannot be used safely in commercial operations, it could determine that it also poses an unreasonable risk to public health, "which could be banning it or restricting its use in some way."

While it could take more than eight months for methylene chlorine to be banned from retail sale to consumers, Dunn added that she expected it to be phased out much sooner than that since many stores have already stopped selling it. "We are absolutely pleased to see that happening," she said.